

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

JPMORGAN CHASE BANK, N.A.

Plaintiff,

vs.

GOODWIN ORTHODONTICS, PLLC,

MICHAEL D. GOODWIN,

PATRICIA Y. GOODWIN,

CHENOA TEXAS, LLC

CHENOA PROPERTIES, LLC AND

MICHAEL D. GOODWIN, D.D.S., M.S., A

PROFESSIONAL CORPORTION,

Defendants.

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CA NO. 2:12-CV-00057-J

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DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, Goodwin Orthodontics, PLLC, Michael D. Goodwin, Patricia Y. Goodwin, Chenoa Texas, LLC, Chenoa Properties, LLC and Michael D. Goodwin, D.D.S., M.S., A Professional Corporation, designate the following individuals as expert witnesses in this cause in accordance with the Original Rule 16 Scheduling Order:

1. Phillip A. Pluister
Burke Costanza & Carberry LLP
9191 Broadway
Merrillville, IN 46410
219-769-1313 ext. 150
2. David Lee DeBoer
3506 Meadowlark Drive
Valparaiso, IN 46383
219-464-8862

3. Bradley W. Howard
Robert C. Vartabedian
Brown & Fortunato, P.C.
905 S. Fillmore, Suite 400 (79105)
P.O. Box 9418
Amarillo, TX 79101
806-345-6310 – Bradley W. Howard direct line
806-345-6309 – Robert C. Vartabedian direct line
4. Dusty J. Stockard
Stockard, Johnston & Brown, P.C.
1800 S. Washington, Suite 115
Amarillo, TX 79102
806-372-2202

Mr. DeBoer, Mr. Pluister, Mr. Howard, Mr. Vartabedian and Mr. Stockard may provide testimony as to the damages and attorneys' fees incurred by Defendants or Plaintiff and in rebuttal to attorneys' fees testimony proffered by Plaintiff. This testimony will involve issues about the necessity and reasonableness of attorneys' fees incurred and claimed as damages. The biography and resume of Mr. Pluister and Mr. DeBoer is attached hereto as Exhibit "A." The biographies of Mr. Howard and Mr. Vartabedian are attached hereto as Exhibits "B" and "C," respectively. The biography of Mr. Stockard is attached hereto as Exhibit "D."

They will apply the applicable test used by this Court and in the Fifth Circuit to determine the reasonableness and necessity of each parties' fees. The test may include those factors listed in *Johnson v. Georgia Highway Express*, 488 F.2d 714, 717-719 (5th Cir. 1974) and its progeny.

5. Defendants reserve the right to supplement this designation with additional designation of experts within the time limits imposed by the Court or any alterations of same by subsequent Court Order or agreement of the parties, or pursuant to the Federal Rules of Civil Procedure and/or the Federal Rules of Civil Evidence.

6. Defendants reserve the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by Plaintiff, and express Defendants' intention to call any of the Plaintiff's experts.

7. Defendants reserve the right to call un-designated rebuttal expert witnesses, whose testimony cannot reasonably be foreseen until the presentation of the evidence in this trial.

8. Defendants reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert, who cannot be called by opposing counsel.

9. Defendants reserve the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of fact, and which would not violate any existing Court Order or the Federal Rules of Civil Procedure.

10. Defendant hereby designates as adverse parties, and/or witnesses associated with adverse parties, all parties to this suit and all experts designated by any party to this suit, even if the designating party is not a party to the suit at the time of trial. In the event a present or future party designates an expert but then is dismissed for any reason from the suit or fails to call any designated expert, Defendants reserve the right to designate and/or call any such party or any such experts previously designated by any party.

11. Defendants reserve whatever additional rights they may have with regard to experts, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing same, and the rulings of said Court.

Respectfully submitted,

Clark W. Holesinger
Indiana State Bar No. 11586-64
LAW OFFICES OF CLARK W. HOLESINGER
334 W. 806 N.
Valparaiso, IN 46385
Telephone: (219) 763-7246
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And

Bradley W. Howard
Texas State Bar No. 00786452
Robert C. Vartabedian
Texas State Bar No. 24053534
BROWN & FORTUNATO, P.C.
905 South Fillmore, Suite 400 (79101)
P.O. Box 9418
Amarillo, TX 79105-9418
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By: /s/ Bradley W. Howard
Bradley W. Howard

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document and that a true and correct copy was served on the parties listed below through the electronic case filing system if the Notice of Electronic Filing indicated that the parties received it or otherwise by mailing a copy by Certified Mail, Return Receipt Requested, to the parties this 2nd day of July, 2012.

David Curcio
Richard A. Howell
JACKSON WALKER, L.L.P.
1401 McKinney Street, Suite 1900
Houston, Texas 77002

/s/ Bradley W. Howard
Bradley W. Howard

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Phillip A. Pluister

Practices

Commercial & Consumer Foreclosure
Commercial & Consumer Collections
Bankruptcy Protecting Creditor's Rights

Education

Valparaiso University, 2006
Juris Doctor

Indiana University - Bloomington, 2003
M.A.

Valparaiso University, 2001
B.A.

Bar Admissions

Indiana

Other Court Admissions

Northern District of Indiana
Southern District of Indiana
Eastern District of Wisconsin
Western District of Wisconsin
Northern District of Illinois
Central District of Illinois
Southern District of Illinois
7th Circuit Court of Appeals

David DeBoer

Education

Valparaiso University School of Law 1975
Juris Doctor

Bar Admissions

Indiana

Other Court Admissions

Northern District of Indiana
Northern District of Texas

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Attorney Profile

- Bar Memberships
- Amarillo Area Bar Association
- State Bar of Texas
- State Bar of New Mexico
- Iowa State Bar (currently inactive)
- Board Certified: Labor and Employment Law - the Texas Board of Legal Specialization
- Member of transportation organizations including TLA and TIDA
- J.D. University of Texas School of Law (1991)
- B.A. Texas Tech University, summa cum laude (1988)

[Contact Bradley W. Howard](#)



Bradley W. Howard is a litigator specializing in employment, commercial and transportation law. After seven years of practicing law in Albuquerque, he returned to his hometown of Amarillo in 1998 to join Brown & Fortunato, P.C. Brad has earned the respect of clients by representing them with his friendly, timely, and efficient approach to litigation.

Brad began his work as a trial attorney in Albuquerque. For two years he focused on commercial litigation at Hinkle, Cox, Eaton, Coffield & Hensley. He then joined Burg & Eldredge, P.C., where he prepared and tried cases involving employment, products liability, personal injury, and transportation law. He handled numerous bench and jury trials, and represented clients in New Mexico and throughout the United States.

At Brown & Fortunato, P.C., Brad continues his work in civil litigation, focusing on employment, commercial and transportation law. Brad is board certified in Labor and Employment Law by the Texas Board of Legal Specialization. He represents major corporations, professional service firms, small businesses, insurance companies, and trucking companies with employment matters, and has tried numerous FLSA, discrimination and employment contract cases. He also counsels employers on contracts, terminations and employee handbook issues. Brad also handles litigation involving trucking accidents, significant personal injury, business disputes, and commercial matters. Brad's record as a litigator is excellent, and it includes several verdicts in favor of the firm's defense clients, with nominal or no recovery for the plaintiffs. Brad was voted a "Texas Rising Star" in the Super Lawyers edition of Texas Lawyer on multiple occasions. He was one of the 2.5% of up-and-coming Texas lawyers chosen.

Brad is active in many trade organizations. He is a member of the Labor & Employment Law and Litigation Sections of the Texas and New Mexico Bar Associations, as well as a member of the Amarillo Area Bar Association, where he served as the Secretary and Treasurer from 2000-2003. He is also a member of the Defense Research Institute, the Transportation Lawyers Association (TLA), the Trucking Industry Defense Association (TIDA), and Panhandle Human Resources Association.


Brad grew up in Amarillo and considers it home. After graduation from Tascosa High School, Brad enrolled at Texas Tech University, where he studied English. He was a member of the Mortar Board Honor Society and the President of the Russian Club. He received his B.A. in 1988, graduating summa cum laude.

After college, Brad continued his education at the University of Texas School of Law. He wrote for the American Journal of Criminal Law and enjoyed success in mock trial. He received his J.D. in 1991 and is admitted to practice law in Texas and New Mexico.

Brad and his wife, Nicole, have four children. His hobbies include running, flyfishing and attending his kids' sporting events.

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Robert C. Vartabedian

Attorney Profile

- Bar Memberships
- Amarillo Area Bar Association
- State Bar of Texas
- Law Review: Berkeley Technology Law Journal
- J.D. University of California, Berkeley, Boalt Hall School of Law (2005)
- B.A. Texas Tech University, summa cum laude (2002)
- Born: Norman, Oklahoma

[Contact Robert C. Vartabedian](#)


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Robert C. Vartabedian is a member of the State Bar of Texas, the Amarillo Area Bar Association and the Amarillo Young Lawyers Association and is a Texas Bar Foundation fellow. He is admitted to practice in the Northern District of Texas and the Fifth Circuit Court of Appeals. Rob joined Brown & Fortunato in 2005. His practice focuses on employment litigation, commercial litigation, oil and gas litigation, and trademark disputes. Rob has tried numerous cases in state and federal courts and has consistently received excellent results. In 2011 and again in 2012, he was selected as a Texas Rising Star, an honor given to only 2.5% of eligible lawyers in the State of Texas.

Rob was born in Norman, Oklahoma, but moved to Canyon, Texas, when he was eight years of age and graduated from Canyon High School in 1998.

Rob earned his B.A. in Philosophy and History with highest honors from Texas Tech University in 2002. Rob was active in debate and public speaking while at Texas Tech. He placed 3rd in the National Parliamentary Debate Tournament in 2000. In 2001, he and his debate partner were ranked 1st in the nation out of 670 debate teams.

Rob graduated from the University of California, Berkeley, Boalt Hall School of Law in 2005. While at UC Berkeley, Rob was a member of Berkeley's Texas Young Lawyers Association trial team and was selected for the Moot Court Board. In 2004, Rob and his teammates competed in the National Trademark Moot Court Competition where they won Best Oral Argument in the Nation, the Dolores K. Hannah Award for Best Brief in the Nation, and 1st place in the nation overall.

Rob has served as President of the Board of Trustees for Opportunity School, an organization that provides high quality care and education to children from low-income families in Amarillo. Rob enjoys mountain biking, tennis and watching baseball with his son. He occasionally makes a weekend trip to rejoin his old rugby team in Berkeley for a game or tournament. Rob and his wife Audrey have one child, Bobby.

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Dusty J. Stockard

Dusty J. Stockard is a founding partner of Stockard, Johnston and Brown, P.C. and a native of the Amarillo area. His practice focuses on Civil Litigation with his primary work being in the areas of Eminent Domain/Condemnation, Oil & Gas, and Commercial Litigation. In addition to the above, Dusty has had substantial experience in insurance defense, business litigation, and contract litigation.

Dusty has represented many Fortune 500 companies, utility companies, pipeline companies, oil and gas producers, insurance companies, landowners, and a variety of other clients. He has proudly served many of his clients as lead counsel in numerous jury trials across the Panhandle, Special Commissioner hearings, before the Courts of Appeals, and in administrative proceedings.

Dusty and his wife Laurie, also a native of Amarillo, have three children, Brennan, Carly and Chloe.

Education:

- Texas Tech University School of Law, J.D., 2000
- West Texas A&M University, B.A., 1996

Admissions:

- Texas State Courts
- United States District Courts, Northern District of Texas
- United States Fifth Circuit Court of Appeals
- United States Tax Court
- New Mexico State Courts

Member:

- Texas Bar Association
- Amarillo Area Bar Association, (Director 2009-2010)
- New Mexico Bar Association
- Texas Association of Defense Counsel

Activities:

- Member Southwest AMBUCS
- United Way Loaned Executive (2003-2004)
- Recruitment Leader for American Diabetes Association (2005)
- Member of Trinity Fellowship Church

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